

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAVIER NUNEZ,

Plaintiff,

-against-

MARK SILBER,

Defendant.

1:25-CV-3879 (LTS)

ORDER OF DISMISSAL  
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

In an order dated October 31, 2023, the Court barred Plaintiff from filing future civil actions in this court *in forma pauperis* (“IFP”) “arising from [Plaintiff’s] eviction and the other, related events” without first obtaining the court’s leave to file. *Nunez v. Silber*, ECF 1:23-CV-0625, 20, at 2 (S.D.N.Y. Oct. 31, 2023), *appeal dismissed as frivolous*, No. 23-7763 (2d Cir. Mar. 20, 2024). Plaintiff, in his complaint for the present action, names Mark Silber as the defendant; Silber was named as a defendant in his previous litigation that was the basis for the abovementioned filing injunction. *See Nunez*, ECF 1:23-CV-0625, 17 (S.D.N.Y. Oct. 24, 2023) (order recounting Plaintiff’s litigation history and directing Plaintiff to show cause why the abovementioned filing injunction should not be imposed by the Court). Plaintiff’s claims in his complaint for the present action also arise from his eviction and the related events. (ECF 1:25-CV-3879, 1, at 5.)

Plaintiff has sought the Court’s leave to proceed IFP (ECF 4), but he has not sought the Court’s leave to file this action. Accordingly, the Court dismisses this action without prejudice because of Plaintiff’s failure to comply with the Court’s October 31, 2023 order in *Nunez*, ECF 1:23-CV-0625, 20.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reasons set forth in this order.

SO ORDERED.

Dated: June 6, 2025  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge